

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
JOSE MARTINEZ,	:	
a/k/a “Miguel Martinez,”	:	20 Cr. 537 (JPC)
Defendant.	:	
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WHEREAS, on or about October 8, 2020, JOSE MARTINEZ, a/k/a “Miguel Martinez,” (the “Defendant”), and another, were charged in a four-count Indictment, 20 Cr. 537 (JPC) (the “Indictment”), with conspiracy to commit Hobbs Act robbery, in violation of Title 18, United States Code, Section 1951 (Count One); Hobbs Act robbery, in violation of Title 18, United States Code, Sections 1951 and 2 (Counts Two and Three); and use of firearms, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i), (ii), and 2 (Count Four);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Three of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One through Three of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One through Three of the Indictment;

WHEREAS, on or about January 21, 2021, the Defendant pled guilty to Counts Two and Three, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Counts Two and Three of the Indictment and

agreed to forfeit, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), a sum of money equal to \$11,930 in United States currency, representing proceeds traceable to the commission of the offenses charged in Counts Two and Three of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$11,930 in United States currency representing the amount of proceeds traceable to the offenses charged in Counts Two and Three of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with co-defendant Mario De La Rosa to the extent a forfeiture money judgment is entered against Mario De La Rosa in this case; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts Two and Three of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Audrey Strauss, United States Attorney, Assistant United States Attorney, Marguerite B. Colson of counsel, and the Defendant, and his counsel, Martin S. Cohen, Esq., that:

1. As a result of the offenses charged in Counts Two and Three of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$11,930 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses charged in Counts Two and Three of the Indictment that the Defendant personally obtained, shall be entered against the Defendant, for which the Defendant shall be jointly and

severally liable with co-defendant Mario De La Rosa, to the extent a forfeiture money judgment is entered against Mario De La Rosa in this case.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, JOSE MARTINEZ, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

9. The signature page of this Consent Preliminary Order of Forfeiture/Money

Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

AUDREY STRAUSS
United States Attorney for the
Southern District of New York

By:



MARGUERITE B. COLSON
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212)637-2587

01/25/2021

DATE

JOSE MARTINEZ

By:

/s/ Jose Martinez by Martin Cohen
JOSE MARTINEZ

8/16/2021

DATE

By:

/s/ Martin Cohen
MARTIN COHEN, ESQ.
Attorney for Defendant
Federal Defenders of New York
52 Duane Street, 10th Floor
New York, NY 10007

6/29/2021

DATE

SO ORDERED:



HONORABLE JOHN P. CRONAN
UNITED STATES DISTRICT JUDGE

8/19/2021

DATE